

DRAFT

Children Looked After and High Needs Education Funding Recoupment

South East Position Statement June 2024

(With thanks to Surrey County Council for use of their [Position Statement as at February 2024](#), which is the source for this regional statement)

The following councils in the South East have agreed to follow the principles set out in this position statement when considering the recoupment of education costs

Bracknell Forest	
Brighton and Hove	Yes
Buckinghamshire	
East Sussex	Yes
Hampshire	
Isle of Wight	Yes
Kent	Yes
Medway	
Milton Keynes	
Oxfordshire	
Portsmouth	Yes
Reading/BFfC	Yes
Slough	
Southampton	
Surrey	Yes
West Berkshire	Yes
West Sussex	Yes
Windsor and Maidenhead/AfC	Yes
Wokingham	

The Guidance

The High Needs Funding: 2023 to 2024 Operational Guide¹ advises that recoupment of education costs will not normally be appropriate because as from 2018 the high needs funding formula and associated arrangements have been designed to ensure that local authorities' allocations of funding for SEND are based on the characteristics of the children and young people living in their area, including any children looked after (CLA)

The guidance (para 18.1) states "Inter-authority recoupment may remain appropriate in some circumstances, however, following mutual understanding and agreement on how the costs of educating looked after children are funded through the local authorities' respective funding allocations. For example, recoupment may be appropriate for cross

¹ <https://www.gov.uk/government/publications/high-needs-funding-arrangements-2023-to-2024/high-needs-funding-2023-to-2024-operational-guide>

border pupils (Wales). In the case of emergency or temporary placements by the local authority responsible for the looked after child/children, it may be reasonable for the placing local authority to pick up the costs (via recoupment) until a more permanent placement is made and/or the transfer of the EHC plan is arranged. Although such costs may be met directly in these circumstances, inter-authority recoupment may be appropriate in the short term, for example, where a temporary placement decision of the local authority responsible for the looked after child/children has an unreasonable short-term financial consequence for another local authority because they have not had time to plan for the expenditure from their high needs budget.”²

South East Position

All LAs need to have a consistent position with regard to CLA and high needs education funding which is based on this guidance but also ensures there is a clear framework and equitable treatment of cases across all LAs to ensure there are no delays in arranging and funding education. It is our expectation that any discussions about funding must not delay education for any looked after child.

The South East position is as follows:

- Where LA “A” places a child in LA “B” and that child receives their education in LA “C” then the expectation would be that any high needs expenditure would be paid by LA “A”
- Where LA “A” places a child in LA “B” and that child receives their education in LA “B” then the expectation would be that any high needs expenditure would be paid by LA “A”
- Where LA “A” places a child on a 38- or 52-week residential basis in an LA “B” school then the expectation would be that any high needs expenditure would be paid by LA “A”

Next review date : February 2025. This guidance will be reviewed sooner in light of any changes to current legislation or issue of updated guidance from DfE or ADCS.

Please direct any enquiries about this position statement to:

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² <https://www.gov.uk/government/publications/high-needs-funding-arrangements-2023-to-2024/high-needs-funding-2023-to-2024-operational-guide#:~:text=18.1%20Looked%20after%20children>